

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HERBERT and DORIS STEELE, ERIC R.)	
CHAVEZ, ALEXANDRA DIAZ AND)	
SONIA TORRES, on behalf of themselves and)	
all others similarly situated,)	No. 1:08-cv-1880
)	
Plaintiffs,)	Judge Blanche M. Manning
vs.)	
)	Magistrate Judge Martin C. Ashman
GE MONEY BANK, a federal savings bank;)	
WMC MORTGAGE CORPORATION and)	
WMC MORTGAGE, LLC)	
)	
Defendants.)	

**DEFENDANT WMC MORTGAGE’S MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM, OR IN THE ALTERNATIVE TO JOIN NECESSARY PARTIES AND
TO STRIKE CERTAIN ALLEGATIONS IN THE AMENDED COMPLAINT**

Defendant WMC Mortgage LLC (“WMC”), by its undersigned attorneys, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 12(b)(6) for entry of an order dismissing Plaintiffs’ Amended Class Action Complaint (“Amended Complaint”) in its entirety for failure to state a claim on which relief can be granted.

In the alternative, if the Court does not dismiss the Amended Complaint pursuant to Rule 12(b)(6), WMC respectfully moves this Court pursuant to Federal Rules of Civil Procedure 12(b)(7) and 19(a) for entry of an order requiring Plaintiffs to join their mortgage brokers -- US Mutual, E-Z Home, Bridgeline and Apex -- as necessary parties whose conduct is at the center of this action. In addition, if the Court does not dismiss the Amended Complaint, WMC respectfully moves this Court pursuant to Federal Rule of Civil Procedure 12(f) to strike Plaintiffs’ requests for disgorgement, restitution and tolling of the statute of limitations.

In support of its motions, WMC submits the accompanying **Memorandum in Support of Motions of Defendant WMC Mortgage to Dismiss for Failure to State a Claim, or in the Alternative to Join Necessary Parties and to Strike Certain Allegations in the Amended Complaint**, and appendix of exhibits, both of which are filed herewith.

Respectfully submitted,

Counsel for WMC

Dated: July 11, 2008

s/ James L. Thompson

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CERTIFICATE OF SERVICE

I, Justin C. Steffen, hereby certify that a true and correct copy of the foregoing Defendant WMC Mortgage's Motion to Dismiss for Failure to State a Claim, or in the Alternative to Join Necessary Parties and to Strike Certain Allegations in the Amended Complaint and the Memorandum in Support of Motions of Defendant WMC Mortgage Corporation's Motion to Dismiss for Failure to State a Claim, or in the Alternative to Join Necessary Parties and to Strike Certain Allegations in the Amended Complaint were served via the CM/ECF system on July 11, 2008 to the following counsel of record:

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s/ Justin C. Steffen